

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honolulu.gov](http://www.honolulu.gov) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

KIRK CALDWELL  
MAYOR



GEORGE I. ATTA, FAICP  
DIRECTOR

ARTHUR D. CHALLACOMBE  
DEPUTY DIRECTOR

September 12, 2014

The Honorable Ernest Y. Martin  
Chair and Presiding Officer  
and Members  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

Dear Chair Martin and Councilmembers:

SUBJECT: Notice of Introduction of a Resolution for a Council Proposal  
to Amend the Zoning Ordinance

This is to confirm receipt of Resolution No. 14-200, entitled:

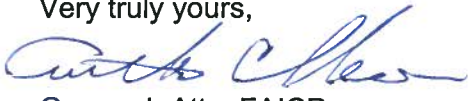
"Proposing an Amendment to Chapter 21, Revised Ordinances of Honolulu 1990 (The  
Land Use Ordinance), as Amended, Relating to Accessory Dwelling Units"

The Resolution (copy attached) was sent to the Department of Planning and Permitting  
by the City Clerk on September 10, 2014; and, was received at 3:16 p.m. on September 10, 2014.

The Department will notify the Council of the sufficiency of the documentation provided  
for the proposal within 30 days of the submission of the introduced Resolution and/or  
accompanying documentation to the Director.

If you have any questions, please call me at 768-8000.

Very truly yours,

  
George I. Atta, FAICP  
Director

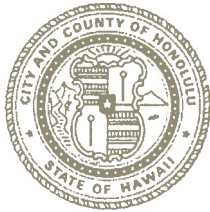
Attachment

APPROVED:



Ember Lee Shinn  
Managing Director

RECEIVED  
CITY CLERK  
C & C OF HONOLULU  
2014 SEP 17 PM 2:28



## OFFICE OF THE CITY CLERK

CITY AND COUNTY OF HONOLULU  
530 SOUTH KING STREET, ROOM 100  
HONOLULU, HAWAII 96813-3099  
TELEPHONE: (808) 768-3810 • FAX: (808) 768-3835

BERNICE K.N. MAU  
CITY CLERK

September 10, 2014

VIA E-MAIL AND CITY MESSENGER

TO: GEORGE ATTA, DIRECTOR  
DEPARTMENT OF PLANNING AND PERMITTING

FROM: BERNICE K.N. MAU, CITY CLERK *Bernice K.N. Mau*

SUBJECT: NOTICE OF INTRODUCTION OF A RESOLUTION FOR A COUNCIL  
PROPOSAL TO AMEND THE GENERAL PLAN, THE DEVELOPMENT  
PLANS, THE ZONING ORDINANCES, OR THE SUBDIVISION  
ORDINANCE.

RESOLUTION 14-200, entitled:

"RESOLUTION PROPOSING AN AMENDMENT TO CHAPTER 21,  
REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE  
ORDINANCE), AS AMENDED, RELATING TO ACCESSORY DWELLING  
UNITS,"

was introduced on September 5, 2014 and was referred to the Committee on Zoning and Planning. Pursuant to Ordinance 08-8, a copy of the Resolution is transmitted herewith.

Ordinance 08-8 further requires you to promptly stamp the date and time of receipt of this document on this transmittal letter and to notify the Council in writing of the date of receipt.

dc

Attachment: Resolution 14-200

RECEIVED  
14 SEP 10 P3:16  
DEPT OF PLANNING  
AND PERMITTING  
CITY OF HONOLULU



## **RESOLUTION**

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**PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), AS AMENDED, RELATING TO ACCESSORY DWELLING UNITS.**

**WHEREAS, Honolulu has a severe affordable housing shortfall and the highest rents in the State; and**

**WHEREAS, more than half of all households statewide are defined as cost-burdened (paying more than 30 percent of their income towards shelter) and nearly 80 percent of extremely low-income households (with incomes less than 30 percent of the area median income) are paying more than half of their income towards housing; and**

**WHEREAS, accessory dwelling units (ADUs) are a housing option that meet the needs of a wide variety of populations, including low-income households in need of affordable housing, elders seeking to age in place, and adult children; and**

**WHEREAS, ADUs are a way to add affordable rental housing stock without substantial government subsidies while also raising revenues through additional taxes and fees; and**

**WHEREAS, a growing body of research indicates the success of ADUs as a means to increase housing inventory with a low impact on neighborhood infrastructure, as well as the widespread acceptance of ADUs in cities of comparable size and composition to Honolulu; and**

**WHEREAS, ADUs offer homeowners an additional source of income and an opportunity to increase property values while adding to the housing inventory; and**

**WHEREAS, ADUs use already existing infrastructure but due to smaller household sizes use less sewer capacity and require fewer parking spaces than new developments; and**

**WHEREAS, homeowners have an incentive to create ADUs that enhance their own properties and neighborhoods; and**

**WHEREAS, the restrictive covenant limiting occupancy of secondary dwelling units to family members ("ohana units") limits the beneficial impacts of ADUs and the creation of authorized secondary dwelling units; and**



## **RESOLUTION**

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WHEREAS, the state statute permitting secondary dwelling units does not impose any covenant restricting occupancy to family members, and the counties of Maui, Hawaii, and Kauai have imposed no such limitation; and

WHEREAS, the large number of "rec rooms" indicated on building plans suggest that some may be being used as unauthorized ADUs, escaping city fees, and potentially escaping state general excise and income taxes; and

WHEREAS, Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973, as amended ("RCH"), provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, Revised Ordinances of Honolulu 1990, as amended (ROH), Chapter 2, Article 24, establishes procedures and deadlines for the processing of Council proposals to revise or amend the general plan, the development plans, the zoning ordinances, and the subdivision ordinance, and clarifies the responsibility of the Director of Planning and Permitting to assist the Council in adequately preparing its proposals for processing; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting and the Planning Commission are directed, pursuant to Section 6-1513 of the RCH and ROH Chapter 2, Article 24, to process the proposed amendment to Chapter 21, ROH 1990 (the Land Use Ordinance), attached hereto as Exhibit "A," in the same manner as if the proposal had been proposed by the Director; and

BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and



## RESOLUTION

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BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, the Clerk will transmit copies of this Resolution and the Exhibit attached hereto to the Director of Planning and Permitting and the Planning Commission of the City and County of Honolulu, and will advise them in writing of the date by which the Director's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

*Ron Manno*

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DATE OF INTRODUCTION:

**SEP 5 2014**

Honolulu, Hawaii

Councilmembers

## **EXHIBIT A**



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## A BILL FOR AN ORDINANCE

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RELATING TO ACCESSORY DWELLING UNITS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend the provisions of the Land Use Ordinance, Revised Ordinances of Honolulu 1990, Chapter 21, relating to Ohana dwellings to encourage the creation of affordable housing and to accommodate a variety of housing arrangements.

SECTION 2. Section 21-8.20 ("Housing—Ohana dwellings"), Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

**"Sec. 21-8.20      Housing—[Ohana dwellings] Accessory dwelling units.**

- (a) The purpose of this section is to encourage the creation of affordable housing and accommodate a variety of housing arrangements, including extended family living, without substantially altering existing neighborhood character.
- (b) It is intended that ["ohana"] accessory dwelling units be allowed only in areas where wastewater, water supply and transportation facilities are adequate to support additional density.
- (c) One [ohana] accessory dwelling unit may be located on a lot zoned for residential, country, or agricultural use, with the following limitations:
  - (1) The maximum size of an [ohana] accessory dwelling unit [shall] will not be limited but [shall] will be subject to the maximum building area development standard in the applicable zoning district.
  - (2) [Ohana] Accessory dwelling units [shall] will not be permitted on lots within a zero lot line project, cluster housing project, agricultural cluster, country cluster, planned development housing, R-3.5 zoning districts, or on duplex unit lots.
  - (3) An [ohana] accessory dwelling unit [shall] will not be permitted on any nonconforming lot.
  - (4) The [ohana] accessory dwelling unit and the first dwelling [shall] may be located within a single structure, (i.e., within the same two-family detached dwelling) or in two separate detached dwellings.



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**A BILL FOR AN ORDINANCE**

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- [(5)] (5) The ohana dwelling unit shall be occupied by persons who are related by blood, marriage or adoption to the family residing in the first dwelling. Notwithstanding this provision, ohana dwelling units for which a building permit was obtained before September 10, 1992 are not subject to this restriction and their occupancy by persons other than family members is permitted.]
- [(6)] (5) All other provisions of the zoning district [shall] will apply.
- [(7)] (6) [The parking provisions of this chapter applicable at the time the ohana building permit is issued shall apply and the provision of such parking shall be a continuing duty of the owner.] An accessory dwelling unit with zero or one bedrooms will require one off-street parking stall. An accessory dwelling unit with two or more bedrooms will require two off-street parking stalls.
- [(8)] (7) The owner or owners of the lot [shall] will record in the bureau of conveyances of the State of Hawaii, or if the lot is subject to land court registration under HRS Chapter 501, they [shall] will record in the land court, a covenant that neither the owner or owners, nor the heirs, successors or assigns of the owner or owners [shall] will submit the lot or any portion thereof to the condominium property regime established by HRS Chapter 514A. The covenant [shall] will be recorded on a form approved by or provided by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor or assign to abide by such a covenant [shall] will be deemed a violation of Chapter 21 and be grounds for enforcement of the covenant by the director pursuant to Section 21-2.150, et seq., and [shall] will be grounds for an action by the director to require the owner or owners to remove, pursuant to HRS Section 514A-21, the property from a submission of the lot or any portion thereof to the condominium property regime made in violation of the covenant."

SECTION 3. Section 21-10.1 ("Definitions"), Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new definition of "accessory dwelling unit" as follows:

"'Accessory dwelling unit' means a second dwelling unit, including separate kitchen, bathroom, and bedroom facilities, attached or detached from the primary residential unit."





**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL \_\_\_\_\_

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**A BILL FOR AN ORDINANCE**

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**SECTION 4.** Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL \_\_\_\_\_

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**A BILL FOR AN ORDINANCE**

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SECTION 5. This ordinance will take effect upon its approval.

INTRODUCED BY:

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DATE OF INTRODUCTION:

\_\_\_\_\_  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu